

HONORABLE MONICA J. BENTON

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 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 DEPUTY

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT TACOMA

UNITED STATES OF AMERICA,

NO. CR06-5123

Plaintiff,

FINDINGS AND ORDER ACCEPTING
 DEFENDANT FOR DEFERRED

vs.

PROSECUTION, APPROVING
 TREATMENT PLAN, AND DIRECTING
 DEFENDANT TO TAKE TREATMENT
 AS PRESCRIBED

MICHAEL K. STEPHENSON,

Defendant/Petitioner.

(Clerk's Action Required)

THIS MATTER, coming on for hearing this 19th day of October, 2006, upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his attorney, Charles A. Johnston; the United States of America being represented by Barbara Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Dr. Russell D. Hicks, Army Substance Abuse Program, and the files and records herein, being fully advised in the premises, does now make and enter the following:

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06-CR-05123-JGM

FINDINGS AND ORDER ACCEPTING DEFENDANT
 FOR DEFERRED PROSECUTION - I

CHARLES A. JOHNSTON
 Attorney at Law
 202 East 34th Street
 Tacoma, WA 98404
 (253) 473-3090

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3 **I. FINDINGS OF FACT**

4 A. On or about the 11th day of February, 2006, Petitioner was charged with the
5 offense/offenses charged in the Information. This offense occurred as a direct result of
6 alcoholism/chemical dependency problems;

7 B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

8 C. The probability of similar misconduct in the future is great if the problem is not
9 treated;

10 D. Petitioner is amenable to treatment;

11 E. An effective rehabilitative treatment plan is available to Petitioner through the
12 Army Substance Abuse Program, an approved treatment facility as designated by the laws of
13 the State of Washington, and Petitioner agrees to be liable for all costs of this treatment
14 program;

15 F. That Petitioner agrees to comply with the terms and conditions of the program
16 offered by the treatment facility as set forth in the diagnostic evaluation from Dr. Russell Hicks,
17 Army Substance Abuse Program, attached to Statement of Petitioner filed herewith, and that
18 Petitioner agrees to be liable for all costs of this treatment program;

19 G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and
20 sufficiency of the facts as contained in the written police report attached to Statement of
21 Petitioner filed herewith.

22 H. That Petitioner has acknowledged the admissibility of the stipulated facts in any
23 criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of
24 this Order Granting Deferred Prosecution and that these reports will be used to support a finding

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3 of guilt;

4 From the foregoing FINDINGS OF FACT, the Court draws the following:

5 **II. CONCLUSIONS OF LAW**

6 A. That the above-entitled Court has jurisdiction over the subject matter and
7 Petitioner, Michael K. Stephenson, in this case;

8 B. That Petitioner's Petition for Deferred Prosecution meets the requirements of
9 RCW 10.05 et seq.;

10 C. That the diagnostic evaluation and commitment to treatment meets the
11 requirements of RCW 10.05.150;

12 D. That Petitioner is eligible for deferred prosecution.

13 **III. ORDER**

14 Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF
15 LAW, it is hereby

16 ORDERED that the defendant is accepted for deferred prosecution. The prosecution of
17 the above-entitled matter is hereby deferred for a five (5) years pursuant to RCW 10.05 et seq.,
18 upon the following terms and conditions:

19 A. Petitioner shall be on probation for the deferral period and follow the rules and
20 regulations of probation;

21 B. Petitioner shall enroll in and successfully complete the two-year treatment
22 program recommended by Dr. Russell Hicks, Army Substance Abuse Program, according to the
23 terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which
24 is attached to the Petition and incorporated herein by reference. Petitioner shall not change
25 treatment agencies without prior Probation approval;

1 C. The treatment facility, Army Substance Abuse Program, shall file with the United
2 States Probation Office status reports of Petitioner's compliance with treatment, monthly during
3 the first year of the deferred prosecution period and every three (3) months during the second
4 year. The Court may increase the frequency of these reports at its discretion;

5 D. Petitioner shall notify U.S. Probation within 72 hours of any residence change.

6 E. Petitioner shall abstain during the deferred prosecution period from any and all
7 consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

8 F. Petitioner shall not operate a motor vehicle on the public highways without a valid
9 operator's license and proof of liability insurance sufficient to comply with the state laws on
10 financial responsibility;

11 G. Petitioner shall be law abiding and shall not commit any alcohol/drug related
12 offenses or other criminal offenses during the period of deferral,

13 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
14 questioned, or cited by Law Enforcement;

15 I. In the event that Petitioner fails or neglects to carry out and fulfill any term or
16 condition of his treatment plan or violates any provision of this Order or any rule or regulation
17 of his probation officer, upon receiving notice, the Court shall hold a hearing to determine why
18 Petitioner should not be removed from deferred prosecution and prosecuted for the
19 offense/offenses charged;

20 J. In the event the Court finds cause to revoke this deferred prosecution, the
21 stipulated police reports shall be admitted into evidence, and Petitioner shall have her guilt or
22 innocence determined by the Court;

23 K. That the statement of Petitioner for Deferred Prosecution shall remain sealed, and
24 all subsequent reports or documents relating to her treatment information shall be sealed, to
25 maintain confidentiality of Petitioner's treatment information;

L. That the Department of Licensing be notified of this Order accepting the Petitioner for deferred prosecution;

M. Upon proof of Petitioner's successful completion of five years deferral period in this Order, the Court shall dismiss the charges pending against Petitioner.

N. Additional conditions:

Maintain the ignition interlock for a year from the date of installation.
2. Attend the ASAP Intensive Short-Term Outpatient Program to start as practicable. October

DONE IN OPEN COURT this 7 day of Sept, 2006.

M. Benton
HONORABLE MONICA J. BENTON

Presented by:

Charles A. Johnston
CHARLES A. JOHNSTON
Attorney for Petitioner

I have received a copy of the foregoing Order of Deferred Prosecution. I have read and understand its contents, and agree to abide by the terms and conditions set forth herein.

Dated:

17 July 2006
7 Sept 2006

Michael K. Stephenson
MICHAEL K. STEPHENSON
Petitioner

I certify that a copy of this signed Order was mailed to the subject treatment facility, on 20 October, 2006. The United States Probation Office was also furnished a copy of this Order.

[Signature]
Clerk